

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 19 be amended to read as follows:

1           Page 1, between the enacting clause and line 1, begin a new  
2           paragraph and insert:

3           "SECTION 1. IC 4-12-14 IS ADDED TO THE INDIANA  
4           CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
5           [EFFECTIVE JANUARY 1, 2009]:

6           **Chapter 14. Cancer Research Trust Fund**

7           **Sec. 1. As used in this chapter, "fund" refers to the cancer**  
8           **research trust fund established by section 2 of this chapter.**

9           **Sec. 2. (a) The cancer research trust fund is established for the**  
10          **purpose of receiving, holding, and disbursing money as a fiduciary.**  
11          **The budget agency shall administer the fund. The fund consists of:**

12               **(1) grants, gifts, and donations intended for deposit in the fund;**

13               **(2) appropriations by the general assembly to further the**  
14               **purpose described in section 3 of this chapter; and**

15               **(3) interest that accrues from money in the fund.**

16          **(b) The treasurer of state shall invest the money in the fund**  
17          **not currently needed to meet the obligations of the fund in the**  
18          **same manner as other public money may be invested. Interest**  
19          **that accrues from these investments shall be deposited in the fund.**

20          **(c) Money in the fund at the end of the state fiscal year does**  
21          **not revert to the state general fund.**

22          **Sec. 3. The budget agency shall make grants from the fund to**  
23          **entities conducting research on cancer.**

24          **Sec. 4. Money in the fund is annually appropriated for the**

1       **purpose described in section 3 of this chapter.**

2               SECTION 2. IC 6-8.1-9-4 IS AMENDED TO READ AS  
3       FOLLOWS [EFFECTIVE JANUARY 1, 2009]:

4               Sec. 4. (a) Every individual (other than a nonresident) who files  
5       an individual income tax return and who is entitled to a refund from  
6       the ~~Indiana~~ department of **state** revenue because of the overpayment  
7       of income tax for a taxable year may designate on ~~his~~ **the**  
8       **individual's** annual state income tax return that either a specific  
9       amount or all of the refund to which he is entitled shall be paid over  
10      to **one (1) or more of the** ~~nongame fund~~. ~~In the event that the~~  
11      ~~individual designates that a certain amount shall be paid over to the~~  
12      ~~nongame fund and~~ **funds described in subsection (d).** If the refund  
13      to which ~~he~~ **the individual** is entitled is less than the **total** amount  
14      designated, ~~such designation shall mean that to be paid over to one~~  
15      **(1) or more of the funds described in subsection (d),** all of the  
16      refund to which ~~he~~ **the individual** is entitled shall be paid over to the  
17      ~~nongame fund~~. **designated funds, but in an amount or amounts**  
18      **reduced proportionately for each designated fund. If an**  
19      **individual designates all of the refund to which the individual is**  
20      **entitled to be paid over to one (1) or more of the funds described**  
21      **in subsection (d) without designating specific amounts, that**  
22      **refund to which the individual is entitled shall be paid over to**  
23      **each fund described in subsection (d) in an amount equal to the**  
24      **refund divided by the number of funds described in subsection**  
25      **(d), rounded to the lowest cent, with any part of the refund**  
26      **remaining due to the effects of rounding to be deposited in the**  
27      **nongame fund.**

28              (b) Every husband and wife (other than nonresidents) who file  
29      a joint income tax return and who are entitled to a refund from the  
30      ~~Indiana~~ department of **state** revenue because of the overpayment of  
31      income tax for a taxable year may designate on their annual state  
32      income tax return that either a specific amount or all of the refund to  
33      which they are entitled shall be paid over to **one (1) or more of the**  
34      ~~nongame fund~~. ~~In the event that the husband and wife designate that~~  
35      ~~a certain amount shall be paid over to the nongame fund and~~ **funds**  
36      **described in subsection (d).** If the refund to which ~~they~~ **a husband**  
37      **and wife** are entitled is less than the **total** amount designated, ~~such~~  
38      ~~designation shall mean that to be paid over to one (1) or more of~~  
39      **the funds described in subsection (d),** all of the refund to which  
40      ~~they~~ **the husband and wife** are entitled shall be paid over to the  
41      ~~nongame fund~~. **designated funds, but in an amount or amounts**  
42      **reduced proportionately for each designated fund. If a husband**  
43      **and wife designate all of the refund to which the husband and**  
44      **wife are entitled to be paid over to one (1) or more of the funds**  
45      **described in subsection (d) without designating specific amounts,**  
46      **the refund to which the husband and wife are entitled shall be**  
47      **paid over to each fund described in subsection (d) in an amount**  
48      **equal to the refund divided by the number of funds described in**

subsection (d), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(c) In addition to a designation under subsection (a) or (b), a taxpayer who:

(1) is a resident of Indiana; and

(2) files an individual or joint income tax return;

may designate on the taxpayer's annual state income tax return that the taxpayer desires to contribute to one (1) or more of the funds described in subsection (d) by stating the amount of the contribution, but the amount may not be less than one dollar (\$1).

(d) Designations under subsection (a), (b) or (c) may be directed only to the following funds:

(1) The nongame fund.

(2) The cancer research trust fund.

~~(c)~~ (e) The instructions for the preparation of individual income tax returns shall contain a description of the purposes of the following:

(1) The nongame and endangered species program. ~~which is~~ The description of this program shall be written in cooperation with the department of natural resources.

(2) The cancer research trust fund (established by IC 4-12-14-2).

(f) Individual income tax returns must include a statement that:

(1) a contribution under subsection (c) does not reduce the taxpayer's tax;

(2) a contribution under subsection (c) will:

(A) decrease or eliminate the refund owed to the taxpayer, if any;

(B) increase the amount that must accompany the return; or

(C) result in both of the consequences described in clauses (A) and (B); and

(3) the failure to include with the taxpayer's tax return all or part of the increased amount referred to under subdivision (2)(B) will reduce the designated contribution to the extent that the increased amount is not included with the return.

(g) The department shall interpret a designation on a

1     **return under subsection (a), (b) or (c) that is illegible or**  
2     **otherwise not reasonably discernible to the department as if**  
3     **the designation had not been made.**

4     SECTION 3. [EFFECTIVE JANUARY 1, 2009] **IC 6-8.1-9-4, as**  
5     **amended by this act, applies only to returns associated with**  
6     **taxable years beginning after December 31, 2008."**

7             Renumber all SECTIONS consecutively.

(Reference is to ESB 19 as printed February 22, 2008.)

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Representative FRIZZELL